

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JORDAN PEYTON,

Plaintiff,

v.

KARL KUHN,

Defendant.

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Civil Action No. 7:23CV00209

RULE 26(f) REPORT, JOINT DISCOVERY PLAN, AND
STIPULATION REGARDING DISCLOSURES

Counsel for the parties participated via telephonic conference on January 16, 2024 for a meeting as required by Fed. R. Civ. P. 26(f) and submit the following report of that meeting and the parties' Joint Discovery Plan and Stipulation regarding disclosures.

1. The following counsel participated in the conference: Aaron B. Houchens, Esquire for Plaintiff, and Jim H. Guynn, Jr., Esquire for Defendants.

2. Changes in the timing, form, or requirement for disclosures under Rule 26(a):

- The parties waive Initial Disclosures under Fed. R. Civ. P. 26(a) and agree to begin discovery immediately.
- Plaintiff's Initial Expert Disclosure will be due 150 days before trial date.
- Defendants' Initial Expert Disclosure will be due 120 days before trial date.

3. Subjects on which discovery may be needed, when discovery should be completed, and whether discover should be conducted in phases or be limited:

- The parties do not anticipate any unusual discovery process for this matter. Should any discovery issues arise, the parties will meet and confer as necessary. The parties

will supplement this Discovery Plan, as necessary, as discovery in this matter continues.

4. Issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

- The parties do not anticipate any issues related to the disclosure, discovery, or preservation of electronically stored information (“ESI”). The parties may request that any ESI be produced in its native format, if they choose.

5. Issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order:

- The parties do not anticipate any issues but reserve the right to seek a Rule 26(c) or other order as may be necessary.

6. Changes to be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed:

- The parties propose no changes in the limitations on discovery other than as otherwise outlined in this Discovery Plan.

7. Any other orders that the court should issue under [Rule 26\(c\)](#) or under [Rule 16\(b\)](#) and [\(c\)](#):

- Pursuant to Rule 16(b) and (c), the parties jointly request that the Scheduling Order entered on June 27, 2023, be amended to continue the trial date in light of the substitution of plaintiff’s counsel and to reflect the plan set forth above, specifically with reference to Section 2 above regarding disclosures under Rule 26(a).

(endorsements on next page)

We ask for this:

JORDAN PEYTON

KARL KUHN

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